

Court No. - 36

Case :- WRIT - A No. - 17341 of 2023

Petitioner :- Poonam Pal

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Vikas Singh, Satyendra Narayan Singh

Counsel for Respondent :- C.S.C., Archana Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 as well as Sri Shrestha Pratap Singh, Advocate holding brief of Smt. Archana Singh, learned counsel appearing for the Respondents No. 2, 3 and 4.

2. Facts of the case, in brief, are that petitioner, while working on the post of Assistant Teacher in a primary school run by the U.P. Basic Education Board, applied for her transfer from District Lakhimpur to District Hapur. Case of the petitioner was duly considered by the authorities and vide transfer order dated 26.06.2023 issued by the Secretary, U.P. Basic Education Board, Prayagraj, petitioner was transferred from District Lakhimpur to Hapur. Pursuant to her aforesaid transfer, petitioner submitted joining on the post of Assistant Teacher in District Hapur on 04.07.2023 and since then she is working in District Hapur.

3. Learned counsel appearing for the petitioner has submitted that daughter of the petitioner is suffering from Tuberculosis and has taken admission in District Lakhimpur, therefore, petitioner wants to go back to District Lakhimpur. It has further been contended that petitioner has submitted a representation to the Secretary, U.P. Basic Education Board, Prayagraj for cancellation of her transfer but decision has not been taken on the said representation.

4. On the other hand, Sri Shrestha Pratap Singh, learned counsel appearing for the Respondents No. 2, 3 and 4 has vehemently opposed this writ petition and has submitted that petitioner herself has submitted application for her transfer from District Lakhimpur to District Hapur in the month of June, 2023 and pursuant to her application, she has been transferred, therefore, now after the transfer order has been executed, there cannot be any occasion for the petitioner to take U-turn and ask for

cancellation of her transfer.

5. Sri Shrestha Pratap Singh has further submitted that so far as personal difficulties which have been pleaded in the writ petition by the petitioner are concerned, petitioner was fully aware of those difficulties at the time of submitting application for her inter-district transfer, therefore, now when the academic session is on, it would not be in the interest of the students to cancel the transfer of the petitioner.

6. I have considered rival submissions advanced by the learned counsels appearing for the parties. I find that once petitioner herself submitted application for her transfer from District Lakhimpur to Hapur and said application has been acted upon and she has been transferred to District Hapur, thereafter she has also joined on her post in Hapur and is working, there is no occasion for the petitioner to again request for cancellation of her transfer.

7. This court is of the view that respondents are owing big responsibility to run primary schools in the entire State of U.P. and they themselves have given opportunity to all the teachers to submit their applications for inter-district transfer and said exercise has been concluded, therefore, now if again they are compelled to consider the case of the petitioner for cancellation of her inter-district transfer, teaching in the school will suffer and ultimately sufferer will be the students of the school.

8. In view of the aforesaid reasons, this court finds that this writ petition is totally misconceived and is accordingly **dismissed**.

Order Date :- 13.10.2023

A. Mandhani